

Appln No. 09/826,067
Amdt date November 15, 2004
Reply to Office action of August 16, 2004

REMARKS/ARGUMENTS

The above identified patent application has been amended and reconsideration and reexamination are hereby requested.

Claims 1 and 6 - 8 are now in the application. Claims 2 - 5 have been cancelled. Claim 1 has been amended. Claims 7 and 8 have been added. No new matter has been included.

The Examiner has objected to the Drawings indicating that the features cited in Claim 4 and Claim 5 are not shown in the drawings. Claims 4 and 5 have been canceled.

The Examiner has rejected Claims 1 - 5 under 35 U.S.C. §103(a) as being unpatentable over Eidson '316 in view of Eidson '180.

The Applicants' amended Claim 1 now calls for (underlining added for emphasis) ... designating as a master node an asynchronous home phone network node capable of transmitting and receiving packets on the asynchronous home phone network; ... designating as a slave node each non-master asynchronous home phone network node which desires to synchronously transport packets across the asynchronous home phone network; synchronizing a master node clock of the master node with a slave node clock of each slave node; ... continuously correcting each slave node clock compared with the master node clock to smooth slave clock error to an average of zero compared with the master clock as a reference using timestamp information from the master node; and ... deriving a derivative clock at the slave node from the continuously correcting each slave node clock to control data sampling at the slave node; ... wherein an asynchronous home phone network node with direct access to synchronous cable modem network timing information is designated the master node.

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The Applicants submit that the invention as claimed in Claim 1 is neither taught, described or suggested in Eidson '316, even in view of Eidson '180.

The Applicants submit that while both Eidson '316 and Eidson '180, provide for the synchronizing of a master clock with a local clock of a distributed system having a set of nodes, neither describes, teaches or suggests home phone networking nodes synchronizing with a cable modem system, and in particular, a home phone network node having direct access to synchronous cable modem network timing information being designated a master node.

Accordingly, the Applicants submit that there is no suggestion to combine the references as indicated by the Examiner and, therefore, Claim 1 is not unpatentable over Eidson '316 in view of Eidson '180.

Claims 6 - 8 are dependent on Claim 1. As such, these claims are believed allowable based upon Claim 1.

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the above Application is requested.

Respectfully submitted,
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